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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,248	10/20/2003	R. Scott Capps		3871

7590 08/16/2005
George R. Nimmer
PO Box 252
Omaha, NE 68101-0252

EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

Office Action Summary	Application No.	Applicant(s)	
	10/689,248	CAPPS, R. SCOTT	
	Examiner	Art Unit	
	John J. Wilson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 10 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen et al (GB 838501). Hansen shows a tubular arm 17, drive shaft 22, coupler 22c, collet shaft 8 connected at the rear end to the drive shaft for rotation as shown, and swivel device 19, page 3, lines 56-61. As to claim 2, see handle 25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view of Rach et al (6273712). Hansen shows the structure as described above, however, does not show a pistol grip handle. Rach teaches using a pistol grip 16. It would be obvious to one of ordinary skill in the art to modify Hansen to include a pistol grip as shown by Rach in order to free one hand to better steady the tool in use.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view of Rach et al (6273712) as applied to claim 3 above, and further in view of Rosenthal (1035239). The above combination does not show a helical coil coupler. Rosenthal teaches using a helical coil coupler 10. It would be obvious to one of ordinary skill in the art to modify the above combination to include a helical coil as shown by Rosenthal to better transfer rotation while being able to pivot the tool.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view of Rach et al (6273712) and Rosenthal (1035239) as applied to claim 4 above, and further in view of Cushing (219849). The above combination does not show a knuckle joint. Cushing shows using a knuckle joint as shown. It would be obvious to one of ordinary skill in the art to modify the above combination to include a knuckle joint as shown by Cushing in order to better pivot the tool to the desired angle. As to claim 6, the location of the bell and ball portions of the knuckle joint are obvious matter of choice in the reversal of the location of elements to the skilled artisan.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view of Rach et al (6273712), Rosenthal (1035239) and Cushing (219849) as applied to claim 5 above, and further in view of de Estrada (4722685). Hansen shows using a tubular cap 3, however, the above combination does not show a removable cap. De Estrada shows a removable cap 11. It would be obvious to one of ordinary skill in the art to modify the above combination to include a removable cap as shown by de Estrada in order to gain access to

the cutting element. As to claim 8, the cap of de Estrada can inherently be selectively rotated by 180 degrees as shown. As to claim 9, the shown securing means inherently comprises some friction.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view of Rosenthal (1035239). Hansen does not show a helical coil coupler. Rosenthal teaches using a helical coil coupler 10. It would be obvious to one of ordinary skill in the art to modify Hansen to include a helical coil as shown by Rosenthal to better transfer rotation while being able to pivot the tool.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view of Cushing (219849). Hansen does not show a knuckle joint. Cushing shows using a knuckle joint as shown. It would be obvious to one of ordinary skill in the art to modify Hansen to include a knuckle joint as shown by Cushing in order to better pivot the tool to the desired angle. As to claim 13, the location of the bell and ball portions of the knuckle joint are obvious matter of choice in the reversal of the location of elements to the skilled artisan.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (GB 838501) in view Cushing (219849) as applied to claim 12 above, and further in view of de Estrada (4722685). Hansen shows using a tubular cap 3, however, the above combination does not show a removable cap. De Estrada shows a removable cap 11. It would be obvious to

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one of ordinary skill in the art to modify the above combination to include a removable cap as shown by de Estrada in order to gain access to the cutting element. As to claim 15, the cap of de Estrada can inherently be selectively rotated by 180 degrees as shown. As to claim 16, the shown securing means inherently comprises some friction.

Drawings

The drawings filed October 20, 2003 have been found to be acceptable by the examiner.

Allowable Subject Matter

Claims 10 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

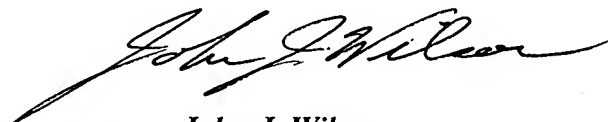
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bell et al (374286) and Crawford (756836) shows coiled shafts. Martin (854955) shows a cap 2. Fernald (1170524) and Chayes et al (1688136) shows knuckle joints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Wilson
Primary Examiner
Art Unit 3732

jjw
August 12, 2005